IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.806 OF 2004

IN

SUIT NO.3585 OF 1998

...

Swift Finlease (I) Ltd. ...Plaintiff

v/s.

Krishna Plastochem Ltd. & Anr. ...Defendants

...

Mr.Y.P. Yagnik for the Plaintiff.

None for the Defendants.

...

CORAM: D.K.DESHMUKH, J.

DATED: 2nd December,2004

P.C.:

1. This Notice of Motion is taken out by the

Plaintiff. The learned Counsel for the Plaintiff states that the Notice fo Motion is served on all the Defendants. He undertakes to file affidavit of service within one week from today. Defendants are not appearing.

2. The learned Counsel for the Plaintiff states that on 4-3-2004 when Notice of Motion No.3280 of 2003 taken out by the Plaintiff was dismissed for default, he was out of station and he could not inform the Plaintiff that he would be out of station on that date and therefore, the Plaintiff should remain present.

3. From the statement of the advocate, it is clear that the Notice of Motion came to be dismissed for default due to mistake of the lawyer and therefore the Notice of Motion deserves to be restored. Accordingly the present Notice of Motion is granted in terms of prayert clause (a). Notice of Motion disposed of.

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